

# Notice of Allowability

Application No.

10/691,387

Examiner

S. Devi, Ph.D.

Applicant(s)

WERNER ET AL.

Art Unit

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendment filed 03/21/07.
2. ☒ The allowed claim(s) ~~is/are~~ claims 1-4 and 8-13, the latter renumbered as claims 5-10 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Recons. IDS 72106 (2 pages).

## ATTACHMENT TO NOTICE OF ALLOWABILITY

### Applicants' Amendments

- 1) Acknowledgment is made of Applicants' amendments filed 03/21/07 and 03/15/07 in response to the non-final Office Action mailed 12/15/06. The former is compliant under 37 CFR 1.121.

### Examiner's Amendment

- 2) An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. The authorization to prepare this Examiner's amendment was provided by Ms. Mary Anne Schofield in a telephonic interview on 08 May 2007.

This application has been amended as indicated below:

- (A) Consistent with the title disclosed in the oath/declaration filed 03/17/04, the title of the application at line 1 on page 1 of the specification has been amended as indicated below:

[[A]] M. CANIS CONTAINING RINGWORM VACCINE

- (B) The specification of the instant application has been amended as indicated below.

The paragraph beginning at line 4 of page 9 of the specification is replaced with the following:

--Once all fungi were killed, cultures of *Microsporum canis*, *Microsporum gypsum* and *Alternaria sp.* were separately homogenized using an ~~Øster~~ OSTER blender for 2-5 minutes on a low setting, taking care such that the blender did not overheat and heat the homogenized cultures. The homogenized cultures were then allowed to stand for approximately 48 hours.--

- (C) Claim 7 has been canceled.

- (D) Claim 10 has been amended as indicated below:

--Claim 10 (Currently amended). The ringworm vaccine of claim [[7]] 9, wherein the carrier Lactated Ringers Solution further comprises aluminum hydroxide/methylcellulose gel.--

- (E) New claims 11-13 have been added as indicated below:

--Claim 11 (New). The ringworm vaccine of claim 1, wherein the culture is homogenized in an

OSTER blender.

Claim 12 (New). The ringworm vaccine of claim 8, wherein the isotonic solution further comprises aluminum hydroxide gel.

Claim 13 (New). The ringworm vaccine of claim 9, wherein the vaccine further comprises formaldehyde at a final concentration of 0.2% of the vaccine.--

### **Status of Claims**

- 3) Claims 2-4 have been amended via the amendment filed 03/21/07.  
New claims 7-10 have been added via the amendment filed 03/21/07.  
Claims 5-7 have been canceled via this Examiner's amendment.  
Claims 3 and 4 have been amended via this Examiner's amendment.  
New claims 11-13 have been added via this Examiner's amendment.  
Claims 1-4 and 8-13 are pending and are under examination.

### **Rejection(s) Withdrawn**

- 4) The rejection of claims 1-4 made in paragraph 12 of the Office Action mailed 12/15/06 under 35 U.S.C § 112, first paragraph, as containing new subject matter, is withdrawn in light of Applicants' arguments. Applicants submit that the identified phrase has descriptive support in the original claim 1 and at lines 15-21 of page 6 of the specification.
- 5) The rejection of claims 2-4 made in paragraph 13 of the Office Action mailed 12/15/06 under 35 U.S.C. § 112, second paragraph, as being indefinite, is withdrawn in light of Applicants' amendment to the claims.

### **Remarks**

- 6) Claims 1-4 and 8-13 are allowed. Claims 8-13 are now renumbered as claims 5-10 respectively.

New claim 11 has descriptive support in the first full paragraph of page 9 of the specification. New claim 12 has descriptive support in the paragraph bridging pages 5 and 6 of the specification. New claim 13 has descriptive support in the first and third full paragraphs of page 11 of the specification.

- 7) Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile

transmission. Papers should be transmitted via the PTO Fax number (571) 273-8300, which receives transmissions 24 hours a day and 7 days a week.

8) Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAG or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.Mov>. Should you have questions on access to the Private PAA system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9) Any inquiry concerning this communication or earlier communication(s) from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. A message may be left on the Examiner's voice mail service. The Examiner can normally be reached on Monday to Friday from 7.15 a.m to 4.15 p.m. except one day each bi-week which would be disclosed on the Examiner's voice mail system.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Jeffrey Siew, can be reached on (571) 272-0787.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-1600.

May, 2007

  
S. DEVI, PH.D.  
PRIMARY EXAMINER